

CHAPTER 109-02-02 LICENSING AND TRAINING REQUIREMENTS

Section	
109-02-02-01	Compliance With Minimum Training Standards
109-02-02-02	Auxiliary Personnel
109-02-02-03	Reserve Officers
109-02-02-04	Limited Peace Officer License
109-02-02-05	Waiver of Required Training
109-02-02-06	Licensing Examinations
109-02-02-07	Licensing of Peace Officers
109-02-02-08	Medical and Psychological Evaluation
109-02-02-09	Compliance With Sidearm Qualification as a License Requirement
109-02-02-10	License Certificate
109-02-02-10.1	Scope of Part-Time Peace Officer Authority
109-02-02-11	Fees
109-02-02-12	Surrender of License Certificate
109-02-02-13	Lapse of License
109-02-02-14	Inactive Status
109-02-02-15	License Requirements to Remain Licensed or to Obtain Renewal or Reinstatement of a License
109-02-02-16	License Renewal
109-02-02-17	Termination of Peace Officer Status
109-02-02-18	Notice of Termination
109-02-02-19	Notice of Denial, Suspension, or Revocation - Hearing

109-02-02-01. Compliance with minimum training standards.

1. Each applicant for a peace officer's license shall successfully complete the first available board-certified basic law enforcement training course from the date of the issuance of the peace officer's limited license and successfully pass the licensing examination. The applicant must successfully pass the licensing examination before the board may issue a peace officer's license.
2. Each applicant for a part-time peace officer's license shall successfully complete the basic part-time law enforcement training course within two years after the applicant commenced taking classes in the basic part-time law enforcement training course. The applicant must successfully pass a licensing examination prescribed by the board before the board may issue the applicant a part-time peace officer's license.
3. Training for reserve officers is the responsibility of the reserve officer's agency.
4. Training for auxiliary personnel is the responsibility of the auxiliary personnel's agency.

5. The board may grant an extension of time to a peace officer to complete required courses upon written request by the agency administrator upon a showing of extreme hardship.

History: Effective October 1, 2004; amended effective July 1, 2006.

General Authority: NDCC 12-63-02.1(7), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-03(1)(2), 12-63-06, 12-63-07

109-02-02-02. Auxiliary personnel. These rules do not preclude payment of compensation to auxiliary personnel who assist in maintaining order and in security functions, including traffic and crowd control at sporting events, parades, or similar events.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-03(1)

109-02-02-03. Reserve officers. These rules do not preclude payment of compensation to reserve officers who assist in maintaining order and in security functions, including traffic and crowd control at sporting events, parades, and other similar events. No agency may pay a reserve officer on a full-time or part-time basis for the performance of peace officer duties unless the reserve officer meets all board license requirements.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-03(2)

109-02-02-04. Limited peace officer license. The board may issue a limited peace officer license to a person who has completed the educational, medical, and psychological examination licensing requirements and has been qualified to carry a sidearm. A limited license is effective until the person has successfully completed a certified basic training course and has successfully completed the licensing examination. The board may renew the limited license once if the person failed the examination. A person shall take the licensing examination within thirty days after completing the certified basic training course. A person may not take the examination more than three times. After the second unsuccessful attempt and before retaking the licensing examination, the person must successfully complete a board-approved law enforcement basic training course. An applicant for a part-time peace officer license may not receive a limited peace officer license.

History: Effective October 1, 2004; amended effective July 1, 2006.

General Authority: NDCC 12-63-02.1(7), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-06, 12-63-07, 12-63-09

109-02-02-05. Waiver of required training.

1. A person having peace officer experience or having training not certified by the board may qualify for a waiver of applicable training or license requirements. The administrator of the agency employing the person may apply to the board for a waiver. The board shall review all such applications and may grant a complete or partial waiver. The person must be currently licensed or certified in another state, must have a minimum of one year of full-time experience as a certified or licensed peace officer, and must successfully complete the licensing examination and sidearm qualification before the board may grant a partial or complete waiver of the license requirement and issue a peace officer license.
 - a. Training received in states with laws governing or regulating peace officer training must have been approved or certified in the state in which the training was received.
 - b. The board may prescribe additional training as a license requirement for a person in order for the person to comply with board requirements.
2. If the board has granted a peace officer a waiver or a partial waiver, the board may only allow the peace officer one attempt to successfully complete the licensing examination. If a passing score is not obtained on the first attempt, the board shall deny the application for the waiver and the peace officer must complete the full certified basic training course before taking the licensing examination for the second time.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-08(1)

109-02-02-06. Licensing examinations.

1. **Application.** Licensing examinations must be according to board requirements. A minimum score of seventy percent is necessary for successful completion of the licensing examination. The applicant for any licensing examination shall submit a request prior to the date of the examination. The appropriate nonrefundable fee established by the board must accompany the request.
2. **Retaking examinations.** An applicant who fails an examination may retake that examination one time upon furnishing to the board a renewed request and required fee. After the second unsuccessful attempt and before retaking the examination, the applicant must

successfully complete a board-approved law enforcement basic training program.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04, 12-63-07

109-02-02-07. Licensing of peace officers.

1. **Notification.** The employing agency shall notify the board of the appointment of any person to the position of peace officer before the first day of the person's employment. The agency shall provide the notification on a form provided by the board.
2. **Application procedures.** If the person is not already a licensed peace officer, but is eligible to be licensed, the person shall apply to be licensed at the time of appointment. The application must be made on a form provided by the board, and both the person and the agency administrator shall verify that the applicant is eligible to be licensed. The applicable license fee must accompany the application.
3. **Application procedures for a part-time peace officer license.** The employing or appointing agency shall notify the board of any person it will employ or appoint to be a part-time peace officer. The agency shall provide the notification on a form provided by the board.

History: Effective October 1, 2004; amended effective July 1, 2006.

General Authority: NDCC 12-63-02.1(7), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.1, 12-63-04, 12-63-06, 12-63-07, 12-63-09

109-02-02-08. Medical and psychological evaluation. An applicant for a peace officer license shall undergo a board-approved psychological and medical evaluation and shall submit the results of the evaluations with the application for the peace officer license or limited license.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-06(4)

109-02-02-09. Compliance with sidearm qualification as a license requirement. The board may not issue, renew, or reinstate a peace officer license or limited license unless the peace officer has complied with all sidearm qualification requirements.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-02-10. License certificate. The board shall issue a license certificate to a person who has complied with the requirements of law and whose affirmations are consistent with the board's records and payment of required fees. The period of the initial licensure must be determined according to section 109-02-02-11.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d), 12-63-05

Law Implemented: NDCC 12-63-05, 12-63-10

109-02-02-10.1. Scope of part-time peace officer authority. A peace officer with a part-time peace officer license may only perform peace officer duties within the scope of the peace officer's board-approved training.

History: Effective July 1, 2006.

General Authority: NDCC 12-63-02.1(7)

Law Implemented: NDCC 12-63-02.1

109-02-02-11. Fees.

1. The following fees are nonrefundable:
 - a. Application for examination fee - twenty-five dollars.
 - b. License fee - the license fee is forty-five dollars if the licensee is to be licensed for thirty to thirty-six months; thirty dollars if the licensee is to be licensed for at least eighteen months but less than thirty months; and fifteen dollars if the licensee is to be licensed for less than eighteen months.
 - c. Renewal fee - forty-five dollars for a three-year period.
 - d. Late renewal fee - one hundred dollars.
 - e. Reinstatement fee - two hundred fifty dollars.
 - f. Duplicate license fee - twenty-five dollars.
2. License period and renewal terms.
 - a. If the peace officer's surname begins with the letters A through G, the peace officer's license term is for the period July 1, 2002, through December 31, 2005, and the peace officer shall renew the license by December thirty-first every third year thereafter.
 - b. If the surname begins with the letters H through M, the peace officer's license term is for the period July 1, 2003, through December 31, 2006, and the peace officer shall renew the license by December thirty-first every third year thereafter.

- c. If the surname begins with the letters N through Z, the peace officer's license term is for the period July 1, 2001, through December 31, 2004, and the peace officer shall renew the license by December thirty-first every third year thereafter.
- d. If a peace officer is newly hired during the three-year cycle, the officer shall meet the prorated share of the requirements needed until the officer's renewal date arrives.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d), 12-63-05

Law Implemented: NDCC 12-63-05, 12-63-10

109-02-02-12. Surrender of license certificate. Licenses remain the property of the board. A peace officer shall surrender the license certificate and any renewal certificates if the board has suspended or revoked the peace officer's license or the peace officer has not requested inactive status and has allowed the peace officer license to expire.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02, 12-63-04, 12-63-11(2)

109-02-02-13. Lapse of license. A peace officer that does not perform duties as a peace officer, is no longer employed by an agency, or otherwise allows the peace officer's license to expire shall comply with the following conditions for reinstatement:

1. A person who has not been employed by a law enforcement agency for less than two years may apply for reinstatement of the person's peace officer license. The person shall pay the reinstatement fee. The person shall obtain sufficient makeup continuing education hours within three months of reinstatement.
2. A person who has not been employed by a law enforcement agency for two to five years may apply for reinstatement of the person's peace officer license. The person shall successfully complete the licensing examination and obtain sufficient continuing education hours within six months of reinstatement. The person shall pay the reinstatement fee and the application for examination fee.
3. A person who has not been employed as a peace officer by a law enforcement agency for five to seven years may apply for reinstatement of the person's peace officer license. The person shall successfully complete the licensing examination and pay the reinstatement fee and the application for examination fee. The person shall attain the sufficient makeup continuing education hours within six months of reinstatement. If the person fails the licensing examination on the first attempt, the

person shall successfully complete the process that is required for a new peace officer.

4. A person who has not been employed as a peace officer by a law enforcement agency for seven or more years shall meet all license requirements necessary for an original application for a peace officer license.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04

109-02-02-14. Inactive status. A person who does not perform duties as a peace officer or is no longer employed by an agency may request that the person's license be placed on inactive status. The person's license may remain on inactive status indefinitely if the person maintains continuing education requirements and renews the license in accordance with board requirements.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-11(2)

109-02-02-15. License requirements to remain licensed or to obtain renewal or reinstatement of a license.

1. In order for a peace officer to remain licensed, the peace officer shall continue to meet all the minimum license requirements and shall receive a minimum of sixty hours of board-certified or board-approved training every three years, including up to sixty hours of certified law enforcement training or up to sixty hours attending board-approved or board-certified criminal justice seminars or a combination of both, as long as there is a total of sixty hours. Training may not be in increments of less than one hour. The training may be attended in any hour grouping, as long as it totals a minimum of sixty hours within a three-year period. A surplus in training hours may not be carried forward into the next three-year period.
2. All peace officers shall meet the continuing certified training license requirements by the following dates:
 - a. If the peace officer's surname begins with the letters A through G, the peace officer shall meet the sixty-hour continuing education requirement for the period July 1, 2002, through December 31, 2005, and shall meet the sixty-hour continuing education requirement within every three years by December thirty-first of the third year thereafter.
 - b. If the surname begins with the letters H through M, the peace officer shall meet the sixty-hour continuing education requirement for the

period July 1, 2003, through December 31, 2006, and shall meet the sixty-hour continuing education requirement within every three years by December thirty-first of the third year thereafter.

- c. If the surname begins with the letters N through Z, the officer shall meet the sixty-hour continuing education requirement for the period July 1, 2001, through December 31, 2004, and shall meet the sixty-hour continuing education requirement within every three years by December thirty-first of the third year thereafter.
 - d. If an officer is newly hired during the three-year cycle, the peace officer shall meet the prorated share of the sixty-hour continuing education requirements needed until the peace officer's license renewal date arrives.
- 3. It shall be the duty of each agency that employs peace officers to forward a record of each peace officer's board-approved training to the board prior to the peace officer's license renewal date.
 - 4. A peace officer that has enrolled and completed college courses may request a waiver of the sixty-hour training requirement for renewal of the peace officer's license. The board may grant the request upon a showing of successful completion of at least:
 - a. Three semester hours of college credit in a criminal justice-related or job-related topic; or
 - b. Five quarter hours of college credit in a criminal justice-related or job-related topic.
 - 5. If a training course or seminar does not have board preapproval, the peace officer or the peace officer's employing agency shall request approval of the training course or seminar at least thirty days prior to the commencement of the training course or seminar. A course or seminar that has not been approved by the board may not qualify toward the sixty-hour continuing training requirement.
 - 6. If a peace officer fails to complete the required sixty-hour continuing education within the time period specified in this section, or the peace officer or the peace officer's agency fails to submit a record of the peace officer's approved continuing education to the board within the time period specified in this section, the peace officer's license expires and is no longer in effect and the peace officer must go through the reinstatement process.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04

109-02-02-16. License renewal.

1. **Application.** An application for renewal of a peace officer license must be made on forms issued by the board.
2. **Certificate of renewal.** The board shall issue a certificate of renewal, which is valid for three years, to each peace officer that has submitted the appropriate fee on or before December thirty-first of the year the peace officer's license must be renewed and who has complied with all licensing requirements, including continuing education and annual sidearm qualification. If the peace officer fails to apply for renewal by December thirty-first, the peace officer's license expires and is no longer in effect.
3. **Late renewal.** If a peace officer fails to renew a license by December thirty-first, the peace officer may apply for renewal no later than January thirty-first of the following year upon payment of the late renewal fee.
4. **Reinstatement of expired license.** If a peace officer fails to apply for renewal of a license within one month after the application for renewal is due, the peace officer may only apply for reinstatement of the license. The application for reinstatement must include payment of the reinstatement fee provided in these rules. The board may reinstate the applicant's peace officer license after the applicant has complied with all board license requirements, including continuing education and sidearm qualification requirements.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04, 12-63-11

109-02-02-17. Termination of peace officer status. An agency's termination of a person's peace officer status as defined in North Dakota Century Code section 12-63-01, whether the termination is voluntary or involuntary, may not preclude revocation, suspension, or denial of the person's peace officer license by the board.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-13, 12-63-14

109-02-02-18. Notice of termination. If an agency terminates a peace officer's employment, the agency administrator shall notify the board within five days of the termination on a form prescribed by the board. The notice of termination must include:

1. The nature and cause of the termination.
2. The effective date of the termination.

3. A statement from the agency administrator indicating whether or not the agency administrator is recommending denial, suspension, or revocation of the peace officer license to the board.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-01(2), 12-63-12, 12-63-13

109-02-02-19. Notice of denial, suspension, or revocation - Hearing.

The board shall notify a peace officer in writing when there is a reasonable basis to deny, refuse to renew or reinstate, suspend, revoke, or impose probationary conditions on a peace officer's license. The notice must specify the basis of the denial, refusal to renew or reinstate, suspension, revocation, or probationary conditions. The peace officer may request an administrative hearing on the denial, refusal to renew or reinstate suspension, revocation, or probationary conditions. The board may take adverse license action by service of an administrative complaint on the peace officer. The board shall also notify a peace officer's agency if the board has commenced adverse license action against a peace officer employed by the agency.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-12, 12-63-13